

REMARKS

In the parent application, claims 19-23 and 26-31, to which claims 19-28 correspond, were rejected as being obvious under 35 U.S.C. § 103(a) over United States Patent No. 6,330,244 (Swartz) in view of United States Patent No. 6,272,120 (Alexander). The instant application is assigned to Symbol Technology, Inc. At the time of the instant invention, United States Patent No. 6,330,244 (Swartz) was also assigned to Symbol Technology, Inc. Because the instant application and the cited patent were commonly owned at the time of the invention, Applicants are entitled under 35 U.S.C. § 103(c) to disqualify Swartz as prior art under 35 U.S.C. § 103(a). Because Swartz is not available as a reference, Applicants take no position regarding the patentability of these claims in view of the cited art.

The Office Action in the parent application rejected the claims and the Figures for failing to show a “wireless communication server.” There is no requirement for a one-to-one correspondence between the claim language, the specification, and drawings, as long as it is clear how the elements of the claim are taught. As stated in the Request for Interference filed in the parent application on April 15, 2003, the intelligent switching hub 16 corresponds to the wireless communication server and is shown in the Figures. It would also be clear to one of ordinary skill in the art that the intelligent switching hub 16 functions as the wireless communications server. As stated in Merriam-Webster Online Dictionary, a “server” is defined as “a computer in a network that is used to provide services (as access to files or shared peripherals or the routing of e-mail) to other computers in the network.” First, the intelligent switching hub performs a routing service, which is within the scope of the definition of “server.” Second, the intelligent switching hub also performs a processing function of filtering and forwarding data to be transmitted to the remote units using a destination table relating remote units to access points

with which said remote units are related. Hence, the intelligent switching hub 16 performs the functions of a server in accordance with the accepted definition of the term. Applicant respectfully requests the 35 U.S.C. § 112 rejection and the objection to the drawings be withdrawn. The “wireless communication server” corresponds to the intelligent switching hub described in the specification and illustrated in the Figures.

In view of the remarks included herein, claims 19-28 are in condition for allowance. Applicants request the declaration of an interference pursuant to 37 C.F.R. 1.604 between this application and United States Patent Application No. 09/457,624, filed December 8, 1999. A detailed analysis of the claims and Applicant’s senior party status are included in the Request for Interference filed in the parent application on April 15, 2003.

The Examiner is invited to contact Scott F. Diring at (608) 833-0748 with any questions, comments or suggestions relating to the referenced patent application.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Director is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/6000.000496.

Respectfully submitted,



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